

**DUAL DIAGNOSIS TREATMENT )  
CENTER, INC. d/b/a SOVEREIGN )  
HEALTH OF CALIFORNIA; )  
SOVEREIGN HEALTH OF PHOENIX, )  
INC.; SHREYA HEALTH OF )  
CALIFORNIA, INC.; MEDICAL )  
CONCIERGE, INC. d/b/a MEDLINK; )  
SATYA HEALTH OF CALIFORNIA, INC.; )  
and VEDANTA LABORATORIES, INC. )**

**(removed from Hamilton County  
Circuit Court, Civil Action No.  
22C227**

**V.**

**Defendant.**

Case 1:22-cv-00073-DCLC-CHS Document 1 Filed 03/24/22 Page 1 of 4 PageID #: 1

including Summons, Civil Case Cover Sheet and Supplemental Civil Case Cover Sheet, which are attached hereto as **Exhibit 2**.<sup>1</sup>

2. **This Notice Is Timely Pursuant To 28 U.S.C. § 1446(b)**. This Notice of Removal of Civil Action is being filed prior to the expiration of the statutorily allowed thirty (30) day period after the date that BCBST was served with or otherwise received a copy of the Complaint.

3. **ERISA And ERISA Complete Preemption Raises A Federal Question**. The Complaint alleges that “Plaintiffs bring this suit to enforce their valid assignments of benefits and to vindicate their rights under the Employee Retirement Income Security Act of 1974 (“ERISA”) and state law.” See **Exhibit 1** at p. 2, ¶ 3. Plaintiffs allege the patients at issue obtained health insurance through employee benefit plans pursuant to ERISA. *Id.* at p. 5, ¶ 18. Plaintiffs contend that BCBST violated ERISA and state law when BCBST “failed and refused to i) pay plaintiffs for the health care services provided to the patients who are covered by various Blue Cross plans; ii) failed and refused to provide full and fair review of the plaintiffs charges; and iii) failed and refused to provide a meaningful review process.” *Id.* at p. 56, ¶ 250. Based on these allegations, Plaintiffs assert a claim for benefits under ERISA, as well as state law claims that are completely preempted by ERISA’s civil enforcement scheme, codified at 29 U.S.C. § 1132(a). *Id.* at pp. 57-60, ¶¶ 252-268.

4. Therefore, this Court has original jurisdiction over such claims pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 1132(e), and the matter is one that may be removed pursuant to 28 U.S.C. § 1441(a) and controlling case law.

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<sup>1</sup> In accordance with 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served or otherwise received by defendant are attached hereto as **Exhibit 1** and **Exhibit 2**. Additionally, a copy of the pleadings report from the Hamilton County Circuit Court is attached hereto as **Exhibit 3**, and a copy of the letter from the Tennessee Department of Commerce and Insurance filed in the Hamilton County Circuit Court is attached hereto as **Exhibit 4**.

4874-0280-6552.2

5. Pursuant to 28 U.S.C. § 1446(a), venue is proper in the United States District Court for the Eastern District of Tennessee, Southern Division, because it is the district court for the district within which the State Court Action is pending.

6. **Notice Filed In The State Court.** Promptly after filing this Notice of Removal, BCBST will provide written notice of removal to Plaintiffs' counsel of record and will file a copy of this Notice of Removal with the Clerk for the Circuit Court of Hamilton County, Tennessee, as provided by law.<sup>2</sup>

WHEREFORE, Defendant BlueCross BlueShield of Tennessee, Inc. removes the action now pending in the Circuit Court of Hamilton County, Tennessee to the United States District Court for the Eastern District of Tennessee, Southern Division.

/s/ Robert E. Boston

Robert E. Boston (TN BPR # 009744)  
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*Attorney for Defendant  
BlueCross BlueShield of Tennessee, Inc.*

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<sup>2</sup> A true and correct copy of the Notice (without exhibits) is the being filed with the Clerk for the Circuit Court of Hamilton County, Tennessee is attached hereto as **Exhibit 5.**  
4874-0280-6552.2

**CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2022, the foregoing document was filed electronically with the Clerk of the Court using the court's CM/ECF system, which is expected to send notification of such filing to the following counsel of record:

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/s/ Robert E. Boston

Robert E. Boston